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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/524,854	03/14/2000	Sadik Bayrakeri	19880-001610US	8158

26291 7590 04/20/2005

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EXAMINER
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BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/524,854

Applicant(s)

BAYRAKERI ET AL.

Examiner

KIEU-OANH T BUI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/15/05 has been entered.

### *Remark*

2. Applicant's arguments with respect to claims 1-4, 7-13, and 15-20 have been considered but are moot in view of the new ground(s) of rejection. Claims 5-6 and 14 were canceled, and pending claims 1-4, 7-13, and 15-20 are for examination.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

4. Claims 1-4, and 10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al. (US Patent No. 5,986,650).

Regarding claim 1, Ellis discloses “a method for managing delivery of video sequences of an interactive program guide (IPG) over a communications network to a plurality of terminals” (Figs. 1, 14 and 15), the method comprising:

“pre-allocating a broadcast bandwidth in the communications network for common video sequences to be transmitted by a broadcast technique, said common video sequences comprising IPG pages for a current time period and IPG pages for a prime viewing time period; transmitting in the broadcast bandwidth the common video sequences to the plurality of terminals by way of the broadcast technique”, i.e., this broadcast technique refers to a standard or common broadcast is provided to a terminal in the communications network whenever there is no specific technique is requested by any specific terminal by using appropriate bandwidth pre-allocation technique (Fig. 1 and col. 4/lines 45-67 for standard broadcast), and Ellis further discloses the step of IPG pages with a current time and a prime viewing time (Figs. 13A-13C for showing video stream on the display and the current time as well as the prime time, col. 4/lines 45-67 as data streams regarding as video sequences is receiving at the set top terminal of Fig. 1, and as in Fig. 14 and col. 16/line 33 to col. 17/line 32 for video channels at the current time and the prime time can be displayed and searched at the user terminals);

“receiving a request for a specific video sequence from a specific terminal via the communications network; allocating a demandcast bandwidth in the communications network for the specific video sequence; and transmitting in the demandcast bandwidth the specific video sequence to the specific terminal via the communications network”, i.e., this specific technique

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refers to as per a request for a specific video sequence from a specific terminal, for instance, a pay-per-view show or a particular movie and so on, a demandcast bandwidth is provided to that specific terminal based on the request using a dynamic allocation technique, with an individual interactive information stream is allocated for that specific terminal is provided (col. 7/lines 35-62 for pay-per-view is addressed as for on-demand requests from the users).

As for claims 2 and 3, in view of claim 1, Ellis further discloses “wherein the common video sequences are delivered using an in-band portion of the communications network” and “wherein the specific video sequence is delivered using the in-band portion of the communications network”, i.e., broadcast video stream including the common video sequences and the specific video sequences, or in other words, video data streams, are delivered using a broadband network of separate networks comprising in-band and our-of-band (col. 3/lines 45-54 for a broadband network for broadcast video streams as further noted on lines 55-67 of the same column).

As for claim 4, in view of claim 3, Ellis further discloses “wherein the requests are received using an out-of-band portion of the communications network”, i.e., a request from a user or a terminal is using an outside signaling system or a separate network for communicating to the communications network referred to as using an “out-of-band portion” of the communications network, and as signaling or commands can either provided through an in-band data delivery or an out-of-band data delivery (col. 4/lines 45-67 as separate networks can be used for broadcasting including standard broadcast, cable cast or satellite transmission referred to “out-of band” portion of the communication network).

(Claims 5 and 6 were canceled).

Regarding claim 10, Ellis discloses “a method for managing delivery of a plurality of video sequences that comprise interactive program guide (IPG) pages, the method comprising: predetermining a set of video sequences to be broadcast; allocating a broadcast bandwidth within a network with a finite bandwidth for the set of video sequences; broadcasting the set of video sequences via the broadcast bandwidth to a plurality of terminals; receiving a request from a specific terminal for a specific video sequence which is not within the set of video sequences to be broadcast; allocating a demandcast bandwidth within the network for the specific video sequence; transmitting the specific video sequence via the demandcast bandwidth to the specific terminal to fulfill the request”, i.e., see claim 1 above and further with a limitation of “predetermining a second set of video sequences to be broadcast, wherein the second set of video sequences comprising IPG pages for prime viewing time periods” is disclosed by Ellis (Figs. 13A-13C for showing video stream on the display and the current time as well as the prime time, col. 4/lines 45-67 as data streams regarding as video sequences is receiving at the set top terminal of Fig. 1, and as in Fig. 14 and col. 16/line 33 to col. 17/line 32 for video channels at the current time and the prime time can be displayed and searched at the user terminals);

As for claims 11-13, in view of claim 10, these claims with same limitations are rejected for the reasons given in the scope of claims 2-4 as discussed in details above.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

6. Claims 7-9 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis as cited in claim 1 above in view of Gordon et al. (US Patent Pub 2003/0052905).

Regarding claim 7, in view of claims 1 above, Ellis does not further the claimed limitation; however, Gordon discloses “wherein transmitting the specific video sequence is performed using a narrowcast technique to a group of terminals which includes the specific terminal”, i.e., a narrowcast technique with an individual interactive information stream is allocated for that specific terminal is provided (Fig. 20, and page 13/section 0127 & 0128). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis’s system with a known technique as disclosed in Gordon’s in order to provide users/viewers the option to select or choose to view their preferred programs on their interactive program guide as suggested by Gordon using the narrowcast technique. The motivation for doing this is to offer a flexible and convenience interactive program guide that offer video sequences, programs or events displaying according to the convenient time period of the user/viewer on demand.

As for claims 8 and 9, in further view of claim 7 above, Gordon further discloses “wherein transmitting the specific video sequence is performed using a PointCast technique” and “wherein the PointCast technique comprises a shared PointCast technique”, i.e., a PointCast service and shared pointcast are used for providing information service based on the user request (page 13, section 0127 & 0128). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis’s system with a known technique as disclosed in Gordon’s in order to provide users/viewers the option to select or choose to view their preferred programs on their interactive program guide as suggested by Gordon using the pointcast and shared pointcast technique. The motivation for doing this is to offer a flexible and convenience interactive program guide that offer especially video sequences, programs or events displaying according to the convenient time period of the user/viewer on demand per a specific group of users.

As for claim 15, in view of claims 7 and 10, Gordon further discloses “wherein transmitting the specific video sequence to the specific terminal comprises Pointcasting the specific video sequence to the specific terminal”, i.e., a Pointcast service is used for providing information service to an individual (page 13, sections 0127 & 0128).

As for claims 16 and 17, in view of claim 15 above, Gordon further discloses “wherein transmitting the specific video sequence is performed using a narrowcast technique to a group of terminals which includes the specific terminal” and “predetermining a particular video sequence to be narrowcast to a group of terminals; allocating a narrowcast bandwidth within the network for the particular video sequence; and narrowcasting the particular video sequence via the narrowcast bandwidth to the groups of terminals”, i.e., a narrowcast technique with an individual



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interactive information stream is allocated for that specific terminal is clearly provided (Fig. 20, and page 13/sections 0127 & 0128).

As for claim 18, in view of claim 10, Gordon further discloses “comprising: receiving a second request from a second specific terminal for the specific video sequence; and transmitting the specific video sequence via the demandcast bandwidth to the second terminal, wherein the demandcast bandwidth comprises a single stream which is used to transmit the specific video sequence to both terminals”, i.e., Fig. 1 as for illustration of more than two terminals 136 belongs to subscriber equipments 106-1 to ... 106-n requesting broadcast services; as if a specific request is sending from a second user of same network, first and second terminals receive one single stream of specific broadcast service to them, for instance, a shared pointcast mode is applied as at least two or more users can receive a (single) particular information stream (page 13, section 0127).

As for claims 19 and 20, in view of claim 18, Gordon inherently discloses “comprising: one terminal from a group including both terminals finishing use of the specific video sequence; and continuing transmission of the specific video sequence via the demandcast bandwidth” and “comprising: another terminal from the group finishing use of the specific video sequence; and discontinuing transmission of the specific video sequence; and making the demandcast bandwidth available for re-allocation” because the broadcast technique is used herein based on the user’s preference or their choice either broadcasting, pointcasting, shared pointcasting or narrowcasting; therefore, the user of one of both terminals can do whatever he desires, e.g., ordering a video sequence or a movie, and he stills continue to use the demandcast service if he prefers to order another one or discontinue the demandcast service, and making the demandcast

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bandwidth available for re-allocation for the server system by having the user's remote controller as for activating a command or not in ordering the demandcast service (page 13, sections 0126 & 0127 & 0128).

***Conclusion***

**7. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9306, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to Crystal Park I.I., 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant, can be reached on (571) 272-7294.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KB  
April 11, 2005

Kieu-Oanh Bui  
Primary Examiner  
Art Unit 2611